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May 27, 2010

The Honorable Sandra J. Feuerstein,
United States District Judge
for the Eastern District of New York
290 Federal Plaza
Central Islip, New York 11722-4437

Re: Saunders v DOE et al 07-cv-02725 (SJF)(LB)

Dear Judge Feuerstein:

It was only yesterday when I received Mr. Chui's e-mail that I realized that Your Honor's Order of May 11, 2010, instructed me to do an action different on May 14, 2010, than I was expecting to do, i.e. bundling all the documents and serving two sets to Mr. Chiu for him to upload to ECF when the motion was fully briefed. In fact, I offered, to assist him by emailing the exhibits so that he would not have to rescan over 63 exhibits.

I must admit that the practice of bundling was so in my mind that I did not focus on the word "filing" in Your Honor's hand-written Order in the corner endorsement. I was so relieved that Your Honor gave plaintiff on May 11, 2010 three more days in which to perfect her opposition to the Motion to dismiss/Summary Judgment and her Cross-Motion for Summary Judgment that I made sure to mail with proper postage for both sets to Mr. Chui. The package weighed 10 lbs and because of that there was a snafu with the mailbox forwarding the documents to him in this post-"September 11th" era.

Only when he received all the documents which I only learned that he was missing when he moved to have the motion considered unopposed and I called him immediately. I was out of town so that it took a day to get all the documents other than the exhibits e-mailed to him and another day to copy all the exhibits and deliver to him two more complete sets of documents. Only after I asked to withdraw the motion to consider the motion unopposed did he tell me that he would not because I had not complied with the order of May 11, 2010. I revisited the order and wish to correct the

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default be now filing to ECF all the documents and respectfully request that my oversight because the Order did not alert me by saying "file to ECF," can be excused in the interest of justice.

Respecrfully submitted,

A handwritten signature in black ink, appearing to read "Joy Hochstadt". The signature is written in a cursive, flowing style with a large initial "J".

cc: Daniel Chiu, Esq.
Asst. Corp. Counsel